

Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
FELTON FOXGLOVE, and
ANDREW PETER SOLOMON,
Defendants.

CASE NO. MJ19-598

COMPLAINT for VIOLATION
18 U.S.C. § 113(a)(4)

BEFORE the Honorable Brian A. Tsuchida, Chief United States Magistrate Judge,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1
(Assault by Striking, Beating or Wounding)

On or about September 19, 2019, within the Western District of Washington, the
defendants, FELTON FOXGLOVE and ANDREW PETER SOLOMON, inmates in the
Sea-Tac Federal Detention Center, committed an assault within the territorial jurisdiction
of the United States by striking, beating, or wounding another inmate, John Doe.

All in violation of Title 18, United States Code, Section 113(a)(4).

1 The undersigned complainant being duly sworn further states:

2 **AFFIANT BACKGROUND**

3 1. I, Allana Sheehan, am a Special Agent ("SA") with the Federal Bureau of
4 Investigation ("FBI") and have been so employed since May 2019. I am currently
5 assigned to the violent crime/organized crime squad in the Seattle, Washington office.
6 As an FBI Special Agent, I have been trained to investigate a variety of crimes, including
7 cases involving assault and those in a federal penal institution, including detention
8 centers. In this capacity, I investigate, *inter alia*, violations of Title 18, United States
9 Code, Section 113 *et seq.*, and related offenses.

10 2. Prior to my role as a Special Agent for the FBI, I was an Air Marshal with
11 the Federal Air Marshal Service for three years and a Customs and Border Protection
12 Officer with Customs and Border Protection for three and a half years. During my time
13 as a Customs and Border Protection Officer and Federal Air Marshal, I participated in
14 several arrests, seizures, and other law enforcement actions. I have conducted hundreds
15 of interviews and have taken law enforcement action and made law enforcement
16 determinations based on the facts I gathered from these interviews.

17 3. The statements contained in this affidavit are based upon my investigation
18 and information provided to me by others familiar with this matter, including other law
19 enforcement officers. I have not included each and every fact known to me or other
20 investigative personnel concerning this investigation. I have set forth only the facts I
21 believe are necessary to establish probable cause to believe that FELTON FOXGLOVE
22 and ANDREW PETER SOMOLON committed the crime of Assault by Striking, Beating
23 or Wounding in violation of Title 18, United States Code, Section 13(a)(4).

24 **SUMMARY OF PROBABLE CAUSE**

25 4. On or about September 19, 2019, a Unit officer at the Sea-Tac Federal
26 Detention Center ("FDC-SeaTac") reported observing inmate FELTON FOXGLOVE
27 striking inmate John Doe in the head and upper torso with closed fists in the recreation
28 yard of Unit DB.

1 5. Institutional cameras were in place and recorded the assault on September
2 19, 2019. FDC-SeaTac staff conducted an internal review of the institutional camera
3 footage of the assault and identified inmate ANDREW PETER SOLOMON as the inmate
4 who initiated the assault on John Doe. They also identified FOXGLOVE as the inmate
5 who participated in the assault and continued assaulting John Doe after SOLOMON
6 stopped and turned to leave the recreation yard. FOXGLOVE continued to assault John
7 Doe until stopped by the Unit Correctional Officer.

8 6. I reviewed the FDC-SeaTac institutional camera recording of the assault, as
9 well as photographs of FOXGLOVE and SOLOMON. The following is a timeline of the
10 assault from my review of the institutional camera recording:

11 **5:57:13 PM:** Inmates SOLOMON and FOXGLOVE enter the recreation yard and
12 walk past John Doe, who is standing against a wall.

13 **5:58:18 PM:** Inmate SOLOMON walks in front of John Doe and begins striking
14 Doe with closed fists to Doe's face and torso.

15 **5:58:23 PM:** Inmate FOXGLOVE grabs Doe from behind and throws him to the
16 ground. FOXGLOVE and SOLOMON strike Doe in the face and kick him in the
17 torso.

18 **5:58:47 PM:** Inmate SOLOMON leaves the recreation yard while FOXGLOVE
19 continues to strike Doe.

20 **5:58:49 PM:** Inmate FOXGLOVE leaves the recreation yard as the Correctional
21 Officer enters the recreation yard.

22 7. In my review of the institutional camera recording of the assault, I did not
23 observe Doe strike either FOXGLOVE or SOLOMON.

24 8. JOHN DOE was interviewed after the assault and stated that he did not
25 really know who assaulted him and that he did not fight back. FOXGLOVE was also
26 interviewed at or near the same time. FOXGLOVE stated that he had no reason for
27 assaulting Doe, just that he was in the recreation yard and decided to hit him.
28 SOLOMON declined to make a statement or to answer questions.

1 9. On October 3, 2019, a FBI Special Agent conducted a telephonic interview
2 of Correctional Officer Jared Knight, who was the probationary correctional officer in the
3 DB Unit at the time of the assault on September 19, 2019. Knight stated that he
4 witnessed FOXGLOVE standing over Doe in the recreation yard of the Unit, throwing
5 downward punches at Doe. Knight did not observe or witness Doe strike FOXGLOVE at
6 any time during the assault.

7 10. On October 28, 2019, FBI Special Agents interviewed FOXGLOVE. The
8 interview was recorded by audio means, which I have reviewed. After being advised of
9 his *Miranda* rights, FOXGLOVE stated he understood his rights and agreed to waive his
10 rights and speak with the Agents. FOXGLOVE admitted to assaulting Doe in the
11 recreation yard and stated that he was guilty. Later in the interview, FOXGLOVE
12 advised the Agents that he wanted a lawyer, at which point the Agents terminated the
13 interview.

14 11. On November 22, 2019, another Special Agent and I interviewed five
15 inmates who were playing soccer in the recreation yard of the DB Unit at or near the time
16 of the assault. Four of these inmates provided information consistent with the
17 institutional camera recording of the assault. The fifth inmate stated he was not present
18 during the assault of and did not recall any assault occurring in the DB Unit on or around
19 September 19, 2019.

20 12. On November 22, 2019, FOXGLOVE wrote a note to a FDC-SeaTac
21 Lieutenant in which re referenced the fight, and said, "I'm guilty and I take full
22 responsibility." FOXGLOVE signed the note with his name, inmate registration number,
23 and cell assignment. FOXGLOVE later wrote a subsequent letter stating that, "When I
24 saw [John Doe] on the unit, I had to get him because I didn't like him. And Solomon, I
25 gave him no choice to follow on [Doe], didn't give him a pass.... I'll take full
26 responsibility for the charge, just leave Solomon out of it because he didn't have anything
27 to do with it."

1 13. FOXGLOVE was again interviewed by the FBI on December 2, 2019.
2 After being advised of his *Miranda* rights and agreeing to waive them, FOXGLOVE
3 stated that prior to the assault he had heard John Doe was a “rat” and had “ratted”
4 somebody out. FOXGLOVE would not say who Doe had allegedly “ratted out.”
5 FOXGLOVE denied being asked to commit the assault by anybody else, and also said
6 that he had convinced SOLOMON to help with the assault, but it was his plan, not
7 SOLOMON’s. These statements contradicted prior statements made by FOXGLOVE
8 about his motivation for committing the assault.

9 14. I have reviewed documentation from the medical assessment of John Doe
10 performed by FDC-SeaTac medical personnel after the assault on September 19, 2019.
11 The documentation notes that Doe had bleeding from his nostrils and bleeding to the
12 inside of the upper left side of his ear, as well as swelling to his nose and the right side of
13 his jawline. In addition, the documentation notes red marks on the left side of Doe’s
14 lower back, and minor abrasions on his right elbow and shoulder.

15 15. The Sea-Tac Federal Detention Center is a federal detention center operated
16 by the United States Bureau of Prisons located in Sea-Tac, Washington.

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CONCLUSION

15. Based on the above facts, I respectfully submit that there is probable cause to believe that FELTON FOXGLOVE and ANDREW PETER SOMOLON committed the crime of Assault by Striking, Beating or Wounding, in violation of Title 18, United States Code, Section 13(a)(4).


Allana Sheehan, Complainant
Special Agent, FBI

Based on the Complaint and Affidavit sworn to before me telephonically, the Court hereby finds that there is probable cause to believe the Defendants, FELTON FOXGLOVE and ANDREW PETER SOMOLON, committed the crime of Assault by Striking, Beating or Wounding, in violation of Title 18, United States Code, Section 13(a)(4).

Dated this 16 day of December, 2019.


Honorable Brian A. Tsuchida
United States Magistrate Judge